

## **9 FAM 41.26 DIPLOMATIC VISAS**

(TL:VISA-2 8-30-87)

### **(a) Definitions**

(1) Diplomatic passport” means a national passport bearing that title and issued by a competent authority of a foreign government.

(2) Diplomatic visa” means any nonimmigrant visa, regardless of classification, which bears that title and is issued in accordance with the regulations in this section.

(3) Equivalent of a diplomatic passport” means a national passport, issued by a competent authority of a foreign government which does not issue diplomatic passports to its career diplomatic and consular officers, indicating the career diplomatic or consular status of the bearer.

### **(b) Place of Application**

With the exception of certain aliens in the United States issued nonimmigrant visas by the Department under the provisions of sec. 9 FAM 41.111(b), application for a diplomatic visa shall be made at a diplomatic mission or at a consular office authorized to issue diplomatic visas, regardless of the nationality or residence of the applicant.

### **(c) Classes of Aliens Eligible to Receive Diplomatic Visas**

(1) A nonimmigrant alien who is in possession of a diplomatic passport or its equivalent shall, if otherwise qualified, be eligible to receive a diplomatic visa irrespective of the classification of the visa under sec. 9 FAM 41.12 if within one of the following categories:

(a) Heads of states and their alternates;

(b) Members of a reigning royal family;

(c) Governors-general, governors, high commissioners, and similar high administrative or executive officers of a territorial unit, and their alternates;

(d) Cabinet ministers and their assistants holding executive or administrative positions not inferior to that of the head of a departmental division, and their alternates;

(e) Presiding officers of chambers of national legislative bodies;

(f) Justices of the highest national court of a foreign country;

(g) Ambassadors, public ministers, other officers of the diplomatic service and consular officers of career;

(h) Military officers holding a rank not inferior to that of a brigadier general in the United States Army or Air Force and Naval officers holding a rank not inferior to that of a rear admiral in the United States Navy;

(i) Military, naval, air and other attache and assistant attache assigned to a foreign diplomatic mission;

(j) Officers of foreign-government delegations to international organizations so designated by Executive Order;

(k) Officers of foreign-government delegations to, and officers of, international bodies of an official nature, other than international organizations so designated by Executive Order;

(l) Officers of a diplomatic mission of a temporary character proceeding to or through the United States in the performance of their official duties;

(m) Officers of foreign-government delegations proceeding to or from a specific international conference of an official nature;

(n) Members of the immediate family of a principal alien who is within one of the classes described in subparagraphs (a) to (k) inclusive, of this paragraph;

(o) Members of the immediate family accompanying or following to join the principal alien who is within one of the classes described in subparagraphs (l) and (m) of this paragraph;

(p) Diplomatic couriers proceeding to or through the United States in the performance of their official duties.

(2) Aliens Classifiable G-4, who are otherwise qualified, are eligible to receive a diplomatic visa if accompanying these officers:

(a) The Secretary General of the United Nations;

(b) An Under Secretary General of the United Nations;

(c) An Assistant Secretary General of the United Nations;

(d) The Administrator or the Deputy Administrator of the United Nations Development Program;

(e) An Assistant Administrator of the United Nations Development Program;

- (f) The Executive Director of the-
  - (i) United Nations Children's Fund;
  - (ii) United Nations Institute for Training and Research;
  - (iii) United Nations Industrial Development Organization;
- (g) The Executive Secretary of the-
  - (i) United Nations Economic Commission for Africa;
  - (ii) United Nations Economic Commission for Asia and the Far East;
  - (iii) United Nations Economic Commission for Latin America;
  - (iv) United Nations Economic Commission for Europe;
- (h) The Secretary General of the United Nations Conference on Trade and Development;
  - (i) The Director General of the Latin American Institute for Economic and Social Planning;
  - (j) The United Nations High Commissioner for Refugees;
  - (k) The United Nations Commissioner for Technical Cooperation;
  - (l) The Commissioner General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East;
- (m) The spouse or child of any nonimmigrant alien listed in subparagraph (a) through (l) of this paragraph.

(3) Other individual aliens or classes of aliens are eligible to receive diplomatic visas upon the authorization of the Department, the Chief of a U.S. Diplomatic Mission, the Deputy Chief of Mission, the Counselor for Consular Affairs, or the principal officer of a consular post not under the jurisdiction of a diplomatic mission.